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injury has been caused to a person or property due to the culpability of the operator or to accident leaves the place of the injury or accident without giving his name, residence, and license number to the injured party or a police officer, shall be guilty of a felony. *Held*, the provision is constitutional. *People v. Rosenheimer* (N. Y.), 102 N. E. 530.

The statute was objected to as violating the constitutional provision that no person shall be compelled in any criminal case to be a witness against himself. Exemption from compulsory self-incrimination did not form part of the "law of the land" prior to the separation of the colonies from the mother-country, nor is it one of the fundamental rights, immunities, and privileges of citizens of the U. S., or an element of "due process of law," within the meaning of the Federal Constitution or the Fourteenth Amendment thereto. *Twining v. State of N. J.*, 211 U. S. 78; WIGMORE ON EVIDENCE, § 2250. Neither does the Fifth Amendment limit the powers of the State in respect to their own people, but operates only on the national government. *Spies v. Ill.*, 123 U. S. 131; *City of St. Joseph v. Levin*, 128 Mo. 588, 31 S. W. 101, 49 Am. St. Rep. 577; *People v. Wyatt*, 39 Misc. Rep. 456, 80 N. Y. Supp. 198. Therefore the only guaranty of this immunity is to be found in the state constitutions. This immunity, however, is a personal one and may be waived. *People v. Arnold*, 40 Mich. 710; *State v. Zdanowicz*, 69 N. J. Law 619, 55 Atl. 743.

It is settled that on account of the danger to life and other traffic on the public highway from the operation of automobiles therein the legislature may prohibit their use altogether. *State v. Mayo*, 106 Me. 62, 75 Atl. 259, 26 L. R. A. (N. S.) 502; *Com. v. Kingsbury*, 199 Mass. 542, 85 N. E. 848, 127 Am. St. Rep. 513. Being a privilege, the legislature may impose any condition it sees fit upon its exercise. *People v. Schneider*, 139 Mich. 673, 103 N. W. 172, 69 L. R. A. 345; *Ex parte Kneedler*, 243 Mo. 632, 147 S. W. 983, 40 L. R. A. (N. S.) 622. Hence as held in the principal case, the legislature has the right to require the waiver of this immunity as a condition precedent to the operation of motor vehicles on the public highway.

CONSTITUTIONAL LAW—ADMISSIBILITY OF EVIDENCE ILLEGALLY OBTAINED.—Where officers, without a warrant, took by force keys from the pockets of one charged with keeping liquor in his place of business, and unlocking the safe in his office, found whiskey, *held*, evidence thus procured is inadmissible, as compelling a person to incriminate himself in contravention of the constitutional provision against self-incrimination. *Underwood v. State* (Ga.), 78 S. E. 1103. See NOTES, p. 70.

COVENANTS AGAINST INCUMBRANCES—PHYSICAL CONDITIONS—BENEFICIAL EASEMENTS.—The defendant conveyed to B a certain lot traversed by a public sewer about six feet under ground, the existence of which was unknown to the vendee, but in use and still used by the public for forty years, the deed of conveyance covenanting generally that the premises were free from all incumbrances. The plaintiff, as assignor of B, sued for damages for breach of the covenant. *Held*, such a